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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Angelica Rizik, et al.,

No. CV-25-00776-PHX-KML

10 Plaintiffs,

ORDER

11 v.

12 Jake William Virnig, et al.,

13 Defendants.

14 Angelica Rizik and Jake Virnig are embroiled in acrimonious child custody and
15 parental rights proceedings in state court. Plaintiffs Angelica and her father, David Rizik,
16 believe defendants Jake Virnig, Kameren Wilburn, Stephen Rayment, and Systech
17 International committed a variety of unlawful acts during those proceedings. The only
18 federal claim in the amended complaint—and the basis for federal jurisdiction—is a civil
19 Racketeer Influenced and Corrupt Organizations Act (RICO) claim against all defendants.
20 (Doc. 33.) Because plaintiffs have not stated a RICO claim, defendants’ motion to dismiss
21 is granted.

22 **I. Background**

23 Angelica Rizik and Jake Virnig had a daughter, MC, together in 2018. (Doc. 33 at
24 1.) After MC’s birth, Virnig allegedly rarely visited her, physically and emotionally abused
25 Angelica and MC, and in October 2020 signed a notarized agreement to terminate his
26 parental rights. (Doc. 33 at 1-2, 5.) In 2021, after the Juvenile Department of the Maricopa
27 County Superior Court accepted this agreement and terminated Virnig’s parental rights,
28 Virnig claimed the agreement was forged and began attempting to regain his rights. (Doc.

1 33 at 4-5.) The juvenile court proceeding culminated in a 44-day trial in 2023 which
2 restored Virnig's parental rights. (Doc. 33 at 6.) That decision is currently on appeal. (Doc.
3 33 at 6.)

4 During the juvenile court litigation, Virnig allegedly filed a motion requesting a
5 DNA test, asserting MC was the product of an incestuous relationship between Angelica
6 and her father and that Angelica sexually abused MC. (Doc. 33 at 20.) Plaintiffs also allege
7 Virnig concealed his handwriting expert's reports. (Doc. 33 at 11.) That expert's final
8 report supported Virnig's claim his signatures on documents terminating his parental rights
9 were forged, but her previous reports reached the opposite conclusion. (Doc. 33 at 11.)

10 Angelica's and Virnig's families both became involved in the juvenile proceeding
11 in circumstances that are difficult to understand. Virnig allegedly filed a motion for
12 attorneys' fees in the juvenile proceeding seeking \$2,000,000 in fees from Angelica and
13 her parents, despite her parents not being parties to the case (and despite attorneys' fees
14 not being available in such proceedings). (Doc. 33 at 7.) Meanwhile, Virnig's uncle,
15 Stephen Rayment, participated in and funded Virnig's litigation. (Doc. 33 at 7.) Rayment
16 contributed more than \$2,600,000, which Rayment transferred via international wires
17 pursuant to litigation agreements which provided Virnig an "open checkbook" for litigation
18 costs in exchange for a percentage of any monies awarded to Virnig from that litigation.
19 (Doc. 33 at 8.) These litigation agreements were allegedly falsely notarized, because the
20 notary later signed a declaration that she did not notarize the agreements and filed a police
21 report (presumably against Virnig and/or Rayment). (Doc. 33 at 11-12.) Rayment also
22 allegedly sent attorneys employed by Rayment's consulting company, Systech
23 International, to Arizona juvenile court to assist Virnig. (Doc. 33 at 9.) Virnig's then-
24 girlfriend, Kameren Wilburn, was also involved. After a social worker investigated Virnig
25 and concluded he should not regain his parental rights, Virnig "revealed" Wilburn—at his
26 request—had recorded the social worker's meeting with Virnig via a Ring video
27 application. (Doc. 33 at 13.) Plaintiffs also believe Wilburn "hacked" into the Riziks' Roku
28 television account and allege she accessed unnamed cloud-based and/or electronic

1 communication accounts at Virnig's direction. (Doc. 33 at 13-14.)

2 Virnig allegedly attempted to inflict financial harm on the Riziks, including with an
 3 unsuccessful motion for \$2,000,000 in attorneys' fees (Doc. 33 at 7), a settlement demand
 4 requesting restored parental rights and \$1,400,000 (Doc. 33 at 9), and a March 2025
 5 settlement demand requesting an equal parenting schedule and \$10,000,000 in exchange
 6 for a release of claims (Doc. 33 at 9-10). Additionally, in July 2025, police and a child
 7 safety officer responded to a complaint which asserted MC had been sexually abused,
 8 resulting in an investigation and officials interviewing MC. (Doc. 33 at 14.) During this
 9 investigation, Angelica received a call from an individual who referred to himself as "Rez,"
 10 whose number appeared to come from the Miami Police Department, and who stated he
 11 was taking over the investigation and would be conducting a home visit at her address.
 12 (Doc. 33 at 14.) Angelica reached out to the police on the day of the home visit and was
 13 told someone had been impersonating a police officer. (Doc. 33 at 15.) The investigation
 14 was later "closed as meritless." (Doc. 33 at 14.) Plaintiffs allege Virnig and other
 15 defendants "are the only ones likely to have submitted this false" report, particularly
 16 because it mirrored claims made by Virnig during the juvenile court litigation. (Doc. 33 at
 17 14.) They also allege "Rez" was Virnig or an agent of Virnig, because only close family
 18 members and Virnig knew Angelica's Florida address. (Doc. 33 at 14-15.)

19 In March 2025, with multiple state-court lawsuits still pending, plaintiffs filed this
 20 federal case against Virnig, Wilburn, Rayment, and Systech International alleging a RICO
 21 claim and state-law claims for abuse of process, aiding and abetting abuse of process,
 22 conspiracy, and intentional infliction of emotional distress. On August 22, 2025,
 23 defendants Virnig, Rayment, and Systech International filed a motion to dismiss (Doc. 40)
 24 and Wilburn filed a separate motion to dismiss (Doc. 43).

25 **II. Legal Standard**

26 "To survive a motion to dismiss, a complaint must contain sufficient factual matter,
 27 accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*,
 28 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

1 (internal citations omitted)). This is not a “probability requirement,” but a requirement that
 2 the factual allegations show “more than a sheer possibility that a defendant has acted
 3 unlawfully.” *Id.* A claim is facially plausible “when the plaintiff pleads factual content that
 4 allows the court to draw the reasonable inference that the defendant is liable for the
 5 misconduct alleged.” *Id.* “Determining whether a complaint states a plausible claim for
 6 relief will . . . be a context-specific task that requires the reviewing court to draw on its
 7 judicial experience and common sense.” *Id.* at 679.

8 **III. Analysis**

9 **A. Service on Rayment**

10 Angelica Rizik lives in Florida while David Rizik, Virnig, and Wilburn live in
 11 Arizona; Rayment and Systech International are foreign residents. (Doc. 33 at 4.) Rayment
 12 seeks dismissal based on allegedly-defective service of process.

13 On March 10 and 11, 2025, plaintiffs attempted to serve Rayment at an address in
 14 Florida where they believed he was staying. (Doc. 11 at 5.) The attempts were unsuccessful
 15 and they subsequently moved for alternative service. (Doc. 11 at 5.) On May 23, 2025, this
 16 court granted the motion and permitted plaintiffs to serve Rayment by mail and email to
 17 Virnig’s counsel in family court litigation; email to Rayment’s business email address; and
 18 mail to Rayment’s last known business address. (Doc. 12 at 4-5.) The court did so accepting
 19 plaintiffs’ allegations that Rayment was aware of the litigation and spent at least some time
 20 in Dubai, UAE, which is not a signatory to the Hague Service Convention (Doc. 12 at 3).
 21 *See Hague Service Convention, Nov. 15, 1965, 20 U.S.T. 361, 658 U.N.T.S. 163*
 22 (describing rules for service of process to defendants in foreign signatory jurisdictions).

23 Rayment now argues he has not set foot in Dubai since 2023 and instead resides in
 24 the Cayman Islands, which is bound by the Hague Convention. (Doc. 40 at 8, *see* Doc. 40-
 25 1 at 372). Defendants further argue plaintiffs “failed to show that any of the methods
 26 authorized by the Court comply with the Convention’s mandatory procedures for service
 27 in the Cayman Islands.” (Doc. 40 at 8.) Plaintiffs’ opposition argues they made “a good
 28 faith effort to locate Rayment” (Doc. 49 at 5), but regardless, the improper service

1 argument fails because it is incorrect on the law.

2 The first article of the Hague Convention states: “[t]his Convention shall not apply
 3 where the address of the person to be served with the document is not known.” Hague
 4 Service Convention, art. 1. Because plaintiffs did not know Rayment’s address when they
 5 moved for alternative service and still do not know his precise address now, the Hague
 6 Convention does not apply even accepting he now lives in the Cayman Islands. The order
 7 permitting email (and other mail) service stands.

8 **B. RICO Claims**

9 The Racketeer Influenced and Corrupt Organizations Act prohibits racketeering
 10 activity, including conspiracy to racketeer. *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479,
 11 482-83 (1985); *see also H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 232-33 (1989). A civil
 12 RICO claim requires allegations establishing five elements: “(1) conduct (2) of an
 13 enterprise (3) through a pattern (4) of racketeering activity (known as ‘predicate acts’) (5)
 14 causing injury to the plaintiff’s ‘business or property.’” *Grimmett v. Brown*, 75 F.3d 506,
 15 510 (9th Cir. 1996); *see also* 18 U.S.C. § 1961 *et seq.* These predicate acts include acts
 16 chargeable under certain state criminal laws; acts indictable under certain federal criminal
 17 laws; and any bankruptcy, securities fraud, or drug-related activity which is punishable
 18 under federal law. *Id.* at 481-481; *see* U.S.C. §§ 1961-1962. Mail and wire fraud and
 19 extortion are qualifying predicate acts under RICO, as plaintiffs allege and defendants
 20 concede. (*See* Doc. 40 at 13.) To prove a pattern of predicate acts, a plaintiff must show
 21 “the predicate criminal acts [to] be ‘related’ and ‘continuous.’” *Allwaste, Inc. v. Hecht*, 65
 22 F.3d 1523, 1527 (9th Cir. 1995).

23 Though the substantive RICO offense requires two or more predicate acts, an
 24 alleged conspirator need not independently commit two predicate acts to be liable and
 25 rather must only conspire to violate RICO. *Salinas v. United States*, 522 U.S. 52, 65 (1997).
 26 But “[i]n some cases the connection the defendant had to the alleged enterprise or to the
 27 conspiracy to further it may be tenuous enough so that his own commission of two
 28 predicate acts may become an important part” of the case. *Id.*

1. RICO claim against Wilburn

2 Plaintiffs base their RICO claim against Wilburn on two events. First, plaintiffs
3 allege Wilburn illegally recorded a conversation between Virnig and social worker Polly
4 Thomas via a Ring camera, which plaintiffs characterize as a violation of federal
5 wiretapping law 18 U.S.C. § 2510 *et seq.* (Doc. 49 at 16) and Arizona state law (Doc. 33
6 at 13). Second, plaintiffs allege Wilburn “hacked into cloud-based accounts that belong to
7 the Riziks,” the Riziks’ televisions, and/or their electronic communications accounts, at
8 Virnig’s direction and in violation of 18 U.S.C. § 1030. (Doc. 33 at 13.) Plaintiffs allege
9 no facts explaining why they concluded their accounts were hacked, by whom (if anyone
10 other than Wilburn was involved), and at whose direction.

11 Neither event can support a RICO claim against Wilburn because Wilburn’s actions
12 as alleged do not violate Arizona or federal law. Under A.R.S. §§ 13-3005, 13-3012(9),
13 and 18 U.S.C. § 2511(2)(d), it is legal to record a conversation if one party to that
14 conversation consents, and plaintiffs allege Virnig consented to the recording (Doc. 33 at
15 13). *See Scotti v. City of Phoenix*, No. 2:09-CV-01264-TMB, 2013 WL 12210779, at *11
16 (D. Ariz. Jan. 23, 2013) (intercepting conversation constitutes criminal activity unless “one
17 party to the communication or conversation consents”). And plaintiffs do not allege with
18 sufficient specificity that Wilburn hacked into the Riziks’ televisions. The complaint does
19 not explain why plaintiffs believe their accounts were hacked or why they concluded
20 Wilburn was the culprit, nor does it explain the purpose (beyond “to gain leverage”) or
21 consequence of the alleged hacking. (Doc. 49 at 3.) The bare conclusion that Wilburn
22 unlawfully accessed these accounts does not plausibly allege facts showing she might be
23 liable under 18 U.S.C. § 1030. *Ashcroft*, 556 U.S. at 678.

24 Plaintiffs do not allege Wilburn ever met other enterprise members or discussed the
25 enterprise's goals. Her connection to the alleged enterprise is tenuous, yet plaintiffs have
26 not shown she committed *any* predicate act (or wrongful activity more generally). *See Salinas*, 522 U.S. at 65. The RICO claim against Wilburn cannot survive based only on her
27 knowledge of Virnig's behavior (Doc. 33 at 16-17); to conspire, she must also have agreed
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1 to “contribute to [the] common enterprise.” *See Baumer v. Pachl*, 8 F.3d 1341, 1346-47
 2 (9th Cir. 1993) (allegations supporting the defendant’s assent are necessary to plead a civil
 3 RICO conspiracy). Wilburn’s motion to dismiss is granted with leave to amend.

4 **2. RICO claim against Systech International, Inc.**

5 Plaintiffs allege even fewer facts regarding Systech’s involvement in the alleged
 6 RICO enterprise. They allege Systech “[got] involved” in Virnig’s litigation via the “sham”
 7 litigation agreements and “funded and directed Virnig’s strategy,” but do not explain its
 8 relationship to the agreements, how much money the company contributed, whether the
 9 funding was company money, to whom Systech gave the money, how Systech directed
 10 Virnig’s strategy, or for what purpose. (Doc. 33 at 8). The sole specific allegation is that
 11 Rayment “sent attorneys employed by Systech International to Arizona to assist [sic] court
 12 hearings and otherwise assist Virnig’s pattern of abuse.” (Doc. 33 at 7.) And that allegation
 13 identifies only one such attorney, Dai Edwards, with no further factual details explaining
 14 his role in the court hearings or how he “otherwise assist[ed] Virnig’s pattern of abuse.”.
 15 (Doc. 33 at 7, 17.) Furthering the confusion, plaintiffs also state Edwards is Rayment’s
 16 “own barrister,” making it unclear whether Edwards acted in his capacity as Rayment’s
 17 lawyer or as a Systech employee. (Doc. 33 at 17.)

18 Ultimately, plaintiffs do not properly allege Systech’s involvement in these events
 19 and do not allege it, or any employee, participated in any predicate acts. *See Salinas*, 522
 20 U.S. at 65. The RICO claim against Systech is dismissed with leave to amend.

21 **3. RICO claim against Virnig and Rayment**

22 To maintain a RICO claim against Virnig and Rayment, plaintiffs must allege an
 23 enterprise conducted a pattern of racketeering activity which caused injury. *Grimmett*, 75
 24 F.3d at 510. Plaintiffs have not adequately alleged an “enterprise” existed.

25 Plaintiffs’ allegations intended to show defendants formed an enterprise are
 26 insufficient. To allege a RICO enterprise, plaintiffs need only allege the existence of “a
 27 group of persons associated together for a common purpose of engaging in a course of
 28 conduct,” proved by evidence of ongoing organization and the functioning of associates as

1 a continuing unit. *Boyle v. United States*, 556 U.S. 938, 944-45 (2009). This is a low bar,
 2 but an association-in-fact enterprise needs at a minimum “a purpose, relationships among
 3 those associated with the enterprise, and longevity sufficient to permit these associates to
 4 pursue the enterprise’s purpose.” *Id.* at 946. An enterprise “is an entity separate and apart
 5 from the pattern of activity in which it engages” and plaintiffs must show defendants acted
 6 on behalf of the enterprise itself. *United States v. Turkette*, 452 U.S. 576, 583 (1981); *see*
 7 *also Reves v. Ernst & Young*, 507 U.S. 170, 185 (1993) (“liability depends on showing that
 8 the defendants conducted or participated in the conduct of the ‘enterprise’s affairs,’ not
 9 just their *own* affairs”). Namely, plaintiffs must show each defendant “participate[d] in the
 10 operation or management of the enterprise itself.” *Reves*, 507 U.S. at 185.

11 Plaintiffs’ pleadings do not make clear the “common purpose” of the alleged
 12 enterprise. *Boyle*, 556 U.S. at 946. The complaint at times suggests extortion and financial
 13 purposes (Doc. 33 at 9, 10, 15 (“Virnig’s improper monetary goal,” “goal to extort the
 14 Riziks”), vindictive purposes (Doc. 33 at 7 (“his goal is to incarcerate Angelica and
 15 bankrupt the Riziks”)), and includes a list of acts characterized as purposes (Doc. 33 at 18
 16 (listing as “purposes” supporting the RICO claim: “entering into sham litigation funding
 17 agreements,” “making extortionist demands,” and filing documents alleging MC is the
 18 product of incest). Plaintiffs’ response brief states “[d]efendants’ acts share a common
 19 purpose (pressure and punish the Riziks for money and destroy their reputation).” (Doc. 49
 20 at 4.) Each of these purposes appears driven by *Virnig’s* goals; nothing suggests Systech,
 21 Wilburn, or Rayment shared Virnig’s desire to gain money from the Riziks and destroy
 22 their reputations. The facts do not indicate that each alleged associate acted on behalf of a
 23 separate *enterprise’s* goal, rather than aiding a friend or relative in his individual pursuit.
 24 *Reves*, 507 U.S. 170 at 185.

25 Plaintiffs also fail to sufficiently describe the relationships among those associated
 26 with the enterprise. *Boyle*, 556 U.S. at 946. As discussed above, the allegations against
 27 Wilburn and Systech do not properly allege they conducted wrongful activity, and no facts
 28 are alleged regarding the structure of the enterprise or role of any particular defendant. *See*

1 *Staff Holdings, Inc. v. Raygoza*, No. SACV1700983CJCFMX, 2017 WL 7410981, at *3
 2 (C.D. Cal. Sept. 27, 2017) (dismissing RICO claims where complaint did not allege the
 3 defendants met and planned the illegal activity, “discussed which participant would take
 4 on which roles, or . . . discussed how the proceeds of their activity would be split among
 5 them”). Without any allegations as to the enterprise’s structure and operation, there is no
 6 RICO enterprise. *Loomer v. Zuckerberg*, No. 23-3158, 2025 WL 927186, at *2 (9th Cir.
 7 Mar. 27, 2025), *cert. denied*, No. 25-19, 2025 WL 2824501 (U.S. Oct. 6, 2025) (affirming
 8 dismissal where complaint contained no “allegations of an actual structure”). Plaintiffs
 9 need only allege the enterprise had “some sort of framework, formal or informal, for
 10 carrying out its objectives.” *United States v. Bingham*, 653 F.3d 983, 992 (9th Cir. 2011)
 11 (citing *Boyle*, 556 U.S. at 951). But the complaint does not lay out any such framework, let
 12 alone allegations the associates functioned as a “continuing unit to achieve a common
 13 purpose.” *Boyle*, 556 U.S. at 951.

14 This is enough for the RICO claims to fail. But additional issues also doom the
 15 allegations of a pattern of predicate acts.

16 Setting aside the hacking and videotaping allegations as predicate acts for the
 17 reasons described above, only the false police report and police impersonation arguably
 18 occurred outside the context of litigation. But the complaint does not tie Virnig to those
 19 acts: plaintiffs merely allege these events occurred and conclude Virnig was the most likely
 20 actor (Doc. 33 at 14-15), which is not sufficient.¹ *Ashcroft*, 556 U.S. at 678.

21 And the litigation-related predicates themselves suffer from a variety of flaws. First,
 22 RICO claims based on litigation activity are disfavored unless the facts approach sham
 23 litigation, *Sosa v. DIRECTV, Inc.*, 437 F.3d 923, 939-40 (9th Cir. 2006), and the allegations
 24 do not plausibly reach that level here. “[E]ngaging in a litigation strategy designed to
 25 exhaust Plaintiff Angelica Rizik’s resources,” filing inconsistent expert reports, and filing

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 27 ¹ Without these non-litigation predicate events, there is also no continuity; all remaining
 28 predicate events took place during a short, defined period of litigation, and presumably will
 end once the litigation terminates. *See Allwaste*, 65 F.3d at 1527 (RICO continuity may be
 shown either with related predicate acts occurring over a substantial period of time or with
 a threat of indefinite repetition).

1 documents with inaccurate and damaging accusations is morally (and perhaps ethically)
 2 reprehensible, but it does not constitute sham litigation or an illegal RICO predicate act.
 3 (Doc. 33 at 18.) Second, the litigation-related mail and wire fraud allegations do not meet
 4 Rule 9(b)'s pleading requirements. *Schreiber Distrib. Co. v. Serv-Well Furniture Co.*, 806
 5 F.2d 1393, 1400-01 (9th Cir. 1986) (applying Rule 9(b) pleading standards to
 6 "circumstances of the fraudulent acts that form the alleged pattern of racketeering
 7 activity"). Third, as defendants point out, it is unclear who is defrauded by an improperly-
 8 notarized litigation funding agreement when these arrangements are generally permissible
 9 and both parties to the agreement consent with full knowledge of its terms. *See V5 Techs.*
 10 *v. Switch, Ltd.*, 334 F.R.D. 306, 311 (D. Nev. 2019) (litigation funding agreements legal
 11 and not discoverable outside special litigation contexts); *see also Eclectic Props. E., LLC*
 12 *v. Marcus & Millichap Co.*, 751 F.3d 990, 997 (9th Cir. 2014) (describing mail and wire
 13 fraud elements). Finally, as plaintiffs apparently concede, extortion as a predicate act
 14 requires a defendant actually obtain something from a victim and plaintiffs do not make
 15 such an allegation. *See Block v. Snohomish Cnty.*, No. C14-235RAJ, 2015 WL 4164821,
 16 at *5 (W.D. Wash. July 8, 2015), *aff'd*, 733 F. App'x 884 (9th Cir. 2018); *see also Stichting*
 17 *Pensioenfonds ABP v. Countrywide Fin. Corp.*, 802 F. Supp. 2d 1125, 1132 (C.D. Cal.
 18 2011) ("failure to respond in an opposition brief to an argument put forward in an opening
 19 brief constitutes waiver or abandonment in regard to the uncontested issue" (simplified)).

20 For all these reasons, the RICO claim is dismissed with leave to amend.

21 **4. RICO conspiracy claims**

22 Without properly stating a RICO claim, plaintiffs' theory of RICO conspiracy also
 23 fails. "Plaintiffs cannot claim that a conspiracy to violate RICO existed if they do not
 24 adequately plead a substantive violation of RICO." *Howard v. Am. Online Inc.*, 208 F.3d
 25 741, 751 (9th Cir. 2000). The conspiracy claim is dismissed with leave to amend.

26 **C. Supplemental Jurisdiction Over State Claims**

27 Having dismissed the federal claim, the court must determine whether to exercise
 28 supplemental jurisdiction over the remaining state-law claims. 28 U.S.C. § 1337(c)(3). The

1 court would do so if hearing those state claims “comports with the underlying objective of
 2 most sensibly accommodat[ing] the values of economy, convenience, fairness, and
 3 comity.” *Exec. Software N. Am., Inc. v. U.S. Dist. Ct. for Cent. Dist. of California*, 24 F.3d
 4 1545, 1557 (9th Cir. 1994), *overruled on other grounds by California Dep’t of Water Res.*
 5 *v. Powerex Corp.*, 533 F.3d 1087 (9th Cir. 2008)). But “in the usual case in which all
 6 federal-law claims are eliminated before trial, the balance of factors will point toward
 7 declining to exercise jurisdiction over the remaining state-law claims.” *Slidewaters LLC v.*
 8 *Washington State Dep’t of Lab. & Indus.*, 4 F.4th 747, 762 (9th Cir. 2021) (simplified).

9 Here, the remaining disputes are state-law claims involving events that occurred
 10 largely within the state judicial system. The case has not progressed meaningfully in federal
 11 court and the factors of economy, convenience, fairness, and comity favor dismissal
 12 without prejudice to allow plaintiffs to file in state court or, if plaintiffs elect to amend their
 13 federal claim, to reallege their associated state claims in the amended complaint.

14 **IV. Leave to Amend**

15 Plaintiffs are granted leave to amend, but before doing so, they should carefully
 16 consider whether there is a realistic possibility they can state a viable RICO claim. The
 17 analysis above identifies multiple independent problems with several RICO elements, and
 18 it is unlikely plaintiffs will be able to overcome them without fundamentally altering their
 19 theory of the claim and the factual allegations on which it rests.

20 **V. Conclusion**

21 The RICO claim against Wilburn and Systech is based on insufficient factual
 22 allegations and is dismissed with leave to amend. The RICO claim against Virnig and
 23 Rayment is not pleaded with sufficient specificity to show an enterprise existed or a pattern
 24 of viable predicate acts took place. Without the federal RICO claim, only state-law claims
 25 remain and the court declines to exercise supplemental jurisdiction over them.

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1 Accordingly,

2 **IT IS ORDERED** the Motions to Dismiss (Doc. 40, 43) are **GRANTED WITH**
3 **LEAVE TO AMEND**. No later than **January 7, 2026**, plaintiffs shall file an amended
4 complaint. If no amended complaint is filed by that date, the Clerk of Court shall enter a
5 judgment of dismissal with prejudice of the federal RICO claim and a dismissal without
6 prejudice of all remaining claims.

7 Dated this 12th day of December, 2025.

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11 **Honorable Krissa M. Lanham**
12 **United States District Judge**

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